

PLANT GENETIC SYSTEMS, N.V.,	)	
	)	
Plaintiff,	)	
v.	)	Civil Action No. 1:95cv00741
	)	
MYCOGEN PLANT SCIENCES, INC., and	)	
AGRIGENETICS, INC.,	)	
	)	
Defendants.	)	
	)	

Pursuant to 35 U.S.C. § 285, Rule 54(d) of the Federal Rules of Civil Procedure, and the Court’s inherent equitable power, and for the reasons stated in its Memorandum of Law filed herewith, Defendants Mycogen Plant Sciences, Inc., and Agrigenetics, Inc. (collectively “Mycogen”) hereby move that the Court enter an order finding this case to be an exceptional case under 35 U.S.C. § 285 and enter award of \$5,258,028.14 from Plaintiff Plant Genetic Systems, N.V. (currently known as Bayer BioScience N.V.). This amount represents the reasonable fees and costs that Mycogen incurred in its defense of this case.

Respectfully submitted on March 18, 2011.

/s/ Jon Berkelhammer

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